

Environmental Protection Agency

§ 63.99

(6) A State may submit a new rule, program or portion of a rule or program for approval after the Administrator has withdrawn approval of the State's rule, program or portion of a rule or program. The Administrator will determine whether the new rule or program or portion of a rule or program is approvable according to the criteria and procedures of § 63.91 and either of § 63.92, § 63.93 or § 63.94.

(7) A State may voluntarily withdraw from an approved State rule, program or portion of a rule or program by notifying the EPA and all affected sources subject to the rule or program and providing notice and opportunity for comment to the public within the State.

(i) Upon voluntary withdrawal by a State, the Administrator will publish a timetable for sources subject to the previously approved State rule or program to come into compliance with applicable Federal requirements.

(ii) Upon voluntary withdrawal, the State must reopen and revise the part 70 permits of all sources affected by the withdrawal as provided for in this section and § 70.7(f), and the Federal rule, emission standard, or requirement that

would have been applicable in the absence of approval under this subpart will become the applicable requirement for the source.

(iii) Any applicable Federal section 112 rule, emission standard or requirement shall remain enforceable by the EPA as specified in section 112(l)(7) of the Act.

(iv) Voluntary withdrawal shall not be effective sooner than 180 days after the State notifies the EPA of its intent to voluntarily withdraw.

§§ 63.97–63.98 [Reserved]

§ 63.99 Delegated Federal authorities.

(a) This section lists the specific source categories that have been delegated to the air pollution control agencies in each State under the procedures described in this subpart.

(1) [Reserved]

(2) Alaska.

(i) The following table lists the specific part 63 standards that have been delegated unchanged to the Alaska Department of Environmental Conservation. The (X) symbol is used to indicate each subpart that has been delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—ALASKA

Subpart		Alaska Department of Environmental Conservation (1/18/97)
A	General Provisions ¹	X
D	Early Reductions	X
F	HON-SOCMI.	
G	HON-Process Vents.	
H	HON-Equipment Leaks.	
I	HON-Negotiated Leaks.	
L	Coke Oven Batteries.	
M	Perc Dry Cleaning	X
N	Chromium Electroplating	X ²
O	Ethylene Oxide Sterilizers.	
Q	Industrial Process Cooling Towers	X
R	Gasoline Distribution	X
S	Pulp and Paper.	
T	Halogenated Solvent Cleaning	X
U	Polymers and Resins I.	
W	Polymers and Resins II-Epoxy.	
X	Secondary Lead Smelting.	
Y	Marine Tank Vessel Loading	X
CC	Petroleum Refineries	X
DD	Off-Site Waste and Recovery	X
EE	Magnetic Tape Manufacturing.	
GG	Aerospace Manufacturing & Rework.	
II	Shipbuilding and Ship Repair	X
JJ	Wood Furniture Manufacturing Operations	X
KK	Printing and Publishing Industry	X
LL	Primary Aluminum.	
OO	Tanks—Level 1.	
PP	Containers.	
QQ	Surface Impoundments.	

DELEGATION STATUS FOR PART 63 STANDARDS—ALASKA—Continued

Subpart		Alaska Department of Environmental Conservation (1/18/97)
RR	Individual Drain Systems.	
VV	Oil-Water Separators and Organic-Water Separators.	
EEE	Hazardous Waste Combustors.	
JJJ	Polymers and Resins IV.	

¹ Authorities which are not delegated include: 40 CFR 63.6(g); 63.6(h)(9); 63.7(e)(2)(ii) and (f) for approval of major alternatives to test methods; 63.8(f) for approval of major alternatives to monitoring; 63.10(f); and all authorities identified in the subparts (i.e., under "Delegation of Authority") that cannot be delegated. For definitions of minor, intermediate, and major alternatives to test methods and monitoring, see memorandum from John Seitz, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies."

² Alaska received delegation for Subpart N (Chromium Electroplating) as it applies to sources required to obtain an operating permit under Alaska's regulations. EPA retains the authority for implementing and enforcing Subpart N for area source chromium electroplating and anodizing operations which have been exempted from Part 70 permitting in 40 CFR 63.340(e)(1).

(ii) [Reserved]

NOTE TO PARAGRAPH (a)(2): The date in parenthesis indicates the effective date of the federal rules that have been adopted by and delegated to the Alaska Department of Environmental Conservation. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

(3) *Arizona.* The following table lists the specific Part 63 standards that have been delegated unchanged to the air pollution control agencies in the State of Arizona. The (X) symbol is used to indicate each category that has been delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—ARIZONA

Subpart	Description	ADEQ ¹	MCESD ²	PDEQ ³	PCAQCD ⁴
A	General Provisions	X	X	X	X
F	Synthetic Organic Chemical Manufacturing Industry	X	X	X	X
G	Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater.	X	X	X	X
H	Organic Hazardous Air Pollutants: Equipment Leaks	X	X	X	X
I	Organic Hazardous Air Pollutants: Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.	X	X	X	X
L	Coke Oven Batteries	X	X	X	X
M	Perchloroethylene Dry Cleaning	X	X	X	X
N	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.	X	X	X	X
O	Ethylene Oxide Sterilization Facilities	X	X	X	X
Q	Industrial Process Cooling Towers	X	X	X	X
R	Gasoline Distribution Facilities	X	X	X	X
S	Pulp and Paper Industry	X			
T	Halogenated Solvent Cleaning	X	X	X	X
U	Group I Polymers and Resins	X	X		X
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X	X	X	X
X	Secondary Lead Smelting	X	X	X	X
CC	Petroleum Refineries	X	X	X	X
DD	Off-Site Waste and Recovery Operations	X	X		X
EE	Magnetic Tape Manufacturing Operations	X	X	X	X
GG	Aerospace Manufacturing and Rework Facilities	X	X	X	X
JJ	Wood Furniture Manufacturing Operations	X	X	X	X
KK	Printing and Publishing Industry	X	X	X	X
LL	Primary Aluminum Reduction Plants	X			
OO	Tanks—Level 1	X	X		X
PP	Containers	X	X		X
QQ	Surface Impoundments	X	X		X
RR	Individual Drain Systems	X	X		X
VV	Oil-Water Separators and Organic-Water Separators	X	X		X
EEE	Hazardous Waste Combustors	X			
JJJ	Group IV Polymers and Resins	X	X		X

¹ Arizona Department of Environmental Quality.

² Maricopa County Environmental Services Department.

³ Pima County Department of Environmental Quality.

⁴ Pinal County Air Quality Control District.

Environmental Protection Agency

§ 63.99

(4) [Reserved]

(5) California

(i) [Reserved]

(ii) Affected sources must comply with the *California Regulatory Requirements Applicable to the Air Toxics Program*, January 5, 1999 (incorporated by reference as specified in § 63.14) as described as follows:

(A) The material incorporated in Chapter 1 of the *California Regulatory Requirements Applicable to the Air Toxics Program* (California Code of Regulations Title 17, section 93109) pertains to the perchloroethylene dry cleaning source category in the State of California, and has been approved under the procedures in § 63.93 to be implemented and enforced in place of subpart M—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, as it applies to area sources only, as defined in § 63.320(h).

(I) Authorities not delegated.

(i) California is not delegated the Administrator's authority to implement and enforce California Code of Regulations Title 17, section 93109, in lieu of those provisions of subpart M which apply to major sources, as defined in § 63.320(g). Dry cleaning facilities which are major sources remain subject to subpart M.

(ii) California is not delegated the Administrator's authority of § 63.325 to determine equivalency of emissions control technologies. Any source seeking permission to use an alternative means of emission limitation, under sections 93109(a)(17), 93109(g)(3)(A)(5), 93109(g)(3)(B)(2)(iii), and 93109(h) of the California Airborne Toxic Control Measure, must also receive approval from the Administrator before using such alternative means of emission limitation for the purpose of complying with section 112.

(B) The material incorporated in Chapter 2 of the *California Regulatory Requirements Applicable to the Air Toxics Program* (San Luis Obispo County Air Pollution Control District Rule 432) pertains to the perchloroethylene dry cleaning source category in the San Luis Obispo County Air Pollution Control District, and has been approved under the procedures in § 63.93 to be implemented and enforced in place of subpart M—National Perchloroethylene

Air Emission Standards for Dry Cleaning Facilities, as it applies to area sources only, as defined in § 63.320(h).

(I) Authorities not delegated.

(i) San Luis Obispo County Air Pollution Control District is not delegated the Administrator's authority to implement and enforce Rule 432 in lieu of those provisions of subpart M which apply to major sources as defined in § 63.320(g). Dry cleaning facilities which are major sources remain subject to subpart M.

(ii) San Luis Obispo County Air Pollution Control District is not delegated the Administrator's authority of § 63.325 to determine equivalency of emissions control technologies. Any source seeking permission to use an alternative means of emission limitation, under sections B.17, G.3.a.5, G.3.b.2.iii, and I of Rule 432, must also receive approval from the Administrator before using such alternative means of emission limitation for the purpose of complying with section 112.

(C) The material incorporated in Chapter 3 of the *California Regulatory Requirements Applicable to the Air Toxics Program* (South Coast Air Quality Management District Rule 1421) pertains to the perchloroethylene dry cleaning source category in the South Coast Air Quality Management District, and has been approved under the procedures in § 63.93 to be implemented and enforced in place of Subpart M—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, as it applies to area sources only, as defined in § 63.320(h).

(I) Authorities not delegated.

(i) South Coast Air Quality Management District is not delegated the Administrator's authority to implement and enforce Rule 1421 in lieu of those provisions of Subpart M which apply to major sources, as defined in § 63.320(g). Dry cleaning facilities which are major sources remain subject to Subpart M.

(ii) South Coast Air Quality Management District is not delegated the Administrator's authority of § 63.325 to determine equivalency of emissions control technologies. Any source seeking permission to use an alternative means of emission limitation, under sections (c)(17), (d)(3)(A)(v), (d)(4)(B)(ii)(III), and

(j) of Rule 1421, must also receive approval from the Administrator before using such alternative means of emission limitation for the purpose of complying with section 112.

(D) The material incorporated in Chapter 4 of the *California Regulatory Requirements Applicable to the Air Toxics Program* (Yolo-Solano Air Quality Management District Rule 9.7) pertains to the perchloroethylene dry cleaning source category in the Yolo-Solano Air Quality Management District, and has been approved under the procedures in § 63.93 to be implemented and enforced in place of subpart M—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, as it applies to area sources only, as defined in § 63.320(h).

(1) Authorities not delegated.

(i) Yolo-Solano Air Quality Management District is not delegated the Administrator's authority to implement and enforce Rule 9.7 in lieu of those provisions of subpart M which apply to major sources, as defined in § 63.320(g). Dry cleaning facilities which are major sources remain subject to subpart M.

(ii) Yolo-Solano Air Quality Management District is not delegated the Administrator's authority of § 63.325 to determine equivalency of emissions control technologies. Any source seeking permission to use an alternative means of emission limitation, under sections 216, 301.3.a(v), 301.3.b(ii)(c), and 502 of Rule 9.7, must also receive approval from the Administrator before using such alternative means of emission limitation for the purpose of complying with section 112.

(E) The material incorporated in Chapter 5 of the *California Regulatory Requirements Applicable to the Air Toxics Program* (California Code of Regulations, Title 17, section 93102) pertains to the chromium electroplating and anodizing source category in the State of California, and has been approved under the procedures in § 63.93 to be implemented and enforced in place of subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(1) *Title V requirements.* Subpart N affected sources remain subject to both

the Title V permitting requirements of § 63.340(e)(2) and, for major sources, the semi-annual submission of the ongoing compliance status reports as required by § 63.347(g).

(2) *Limits on maximum cumulative potential rectifier usage.* Section 93102(h)(7)(B) of the California Airborne Toxic Control Measure allows facilities with a maximum cumulative potential rectifier capacity of greater than 60 million ampere-hours per year to be considered small or medium by accepting a limit on the maximum cumulative potential rectifier usage. All such usage limits in non-Title V operating permits are federally-enforceable for the purpose of this rule substitution.

(3) *Permitting Agencies' breakdown/malfunction rules.* Section 93102(i)(4) of the California Airborne Toxic Control Measure provides that the owner or operator shall report breakdowns as required by the permitting agency's breakdown rule. Under this rule substitution, the permitting agencies' breakdown rules do not override or supplant the requirements of section 93102(g)(4), (h)(5), (h)(6), (i)(3)(B), or Appendix 3; neither expand the scope nor extend the time-frame of a breakdown beyond the definition of section 93102(b)(7); and do not grant the permitting agencies the authority to determine whether a breakdown has occurred, to grant emergency variances, or to decide to take no enforcement action. Owners or operators must submit written breakdown reports even if the permitting agency has not formally requested such reports.

(4) *Performance Test Requirements.* Section 93102(d)(3)(A) of the California Airborne Toxic Control Measure allows the use of California Air Resources Board Method 425, dated July 28, 1997, and South Coast Air Quality Management District Method 205.1, dated August 1991, for determining chromium emissions. Any alternatives, modifications, or variations to these test methods must be approved under the procedures in section 93102(k) of the California Airborne Toxic Control Measure.

(6)–(27) [Reserved]

(28) Nevada.

(i) The following table lists the specific part 63 standards that have been

Environmental Protection Agency

§ 63.99

delegated unchanged to the air pollution control agencies in the State of Nevada. The (X) symbol is used to indicate each category that has been delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—NEVADA

Subpart	Description	NDEP ¹	WCDHD ²	CCHD ³
A	General Provisions	X	X	
M	Perchloroethylene Dry Cleaning	X	X	
N	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks	X	X	
O	Ethylene Oxide Sterilization Facilities		X	
Q	Industrial Process Cooling Towers	X		
R	Gasoline Distribution Facilities		X	
T	Halogenated Solvent Cleaning	X	X	
JJ	Wood Furniture Manufacturing Operations	X		
KK	Printing and Publishing Industry	X	X	
OO	Tanks—Level 1	X		
PP	Containers	X		
QQ	Surface Impoundments	X		
RR	Individual Drain Systems	X		
VV	Oil-Water Separators and Organic-Water Separators	X		

¹ Nevada Department of Environmental Protection.

² Washoe County District Health Department.

³ Clark County Health Department.

(ii) [Reserved]

(29)–(46) [Reserved]

(47) Washington.

(i) The following table lists the specific Part 63 standards that have been delegated unchanged to state and local

air pollution control agencies in Washington. The (X) symbol is used to indicate each subpart that has been delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—WASHINGTON

Subpart	Description	Ecology ¹	BCAA ²	NWAPA ³	OAPCA ⁴	PSCAA ⁵	SCAPCA ⁶	SWAPCA ⁷	YRCAA ⁸
A	General Provisions ⁹	.....	.....	.....	.....	X	.....	X	.....
D	Early Reductions	.....	.....	X	.....	X	.....	X	.....
F	HON-SOCMI	.....	.....	X	.....	X	.....	X	.....
G	HON-Process Vents	.....	.....	X	.....	X	.....	X	.....
H	HON-Equipment Leaks	.....	.....	X	.....	X	.....	X	.....
I	HON-Negotiated Leaks	.....	.....	X	.....	X	.....	X	.....
L	Coke Oven Batteries	.....	.....	X	.....	X	.....	X	.....
M	Perc Dry Cleaning	.....	.....	X	.....	X	.....	X	.....
N	Chromium Electroplating	.....	.....	X	.....	X	.....	X	.....
O	Ethylene Oxide Sterilizers	.....	.....	X	.....	X	.....	X	.....
Q	Industrial Process Cooling Towers	.....	.....	X	.....	X	.....	X	.....
R	Gasoline Distribution	.....	.....	X	.....	X	.....	X	.....
S	Pulp and Paper ¹⁰	.....	.....	X	.....	X	.....	X	.....
T	Halogenated Solvent Cleaning	.....	.....	X	.....	X	.....	X	.....
U	Polymer and Resins I	.....	.....	X	.....	X	.....	X	.....
W	Polymer and Resins II—Epoxy	.....	.....	X	.....	X	.....	X	.....
X	Secondary Lead Smelting	.....	.....	X	.....	X	.....	X	.....
Y	Marine Tank Vessel Loading	.....	.....	X	.....	X	.....	X	.....
AA	Phosphoric Acid Manufacturing Plants	.....	.....	X	.....	X	.....	.....	.....
BB	Phosphate Fertilizers Production Plants	.....	.....	X	.....	X	.....	.....	.....
CC	Petroleum Refineries	.....	.....	X	.....	X	.....	X	.....
DD	Off-Site Waste and Recovery	.....	.....	X	.....	X	.....	X	.....
EE	Magnetic Tape Manufacturing	.....	.....	X	.....	X	.....	X	.....
GG	Aerospace Manufacturing & Rework	.....	.....	X	.....	X	.....	X	.....
HH	Oil and Natural Gas Production Facilities	.....	.....	X	.....	X	.....	.....	.....
II	Shipbuilding and Ship Repair	.....	.....	X	.....	X	.....	X	.....
JJ	Wood Furniture Manufacturing Operations	.....	.....	X	.....	X	.....	X	.....
KK	Printing and Publishing Industry	.....	.....	X	.....	X	.....	X	.....
LL	Primary Aluminum ¹¹	.....	.....	X	.....	X	.....	.....	.....
OO	Tanks—Level 1	.....	.....	X	.....	X	.....	.....	.....
PP	Containers	.....	.....	X	.....	X	.....	.....	.....
QQ	Surface Impoundments	.....	.....	X	.....	X	.....	.....	.....
RR	Individual Drain Systems	.....	.....	X	.....	X	.....	.....	.....
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or Process.	.....	.....	X	.....	X	.....	.....	.....
TT	Equipment Leaks—Control Level 1	.....	.....	X	.....	X	.....	.....	.....
UU	Equipment Leaks—Control Level 2	.....	.....	X	.....	X	.....	.....	.....
VV	Oil—Water Separators and Organic-Water Separators	.....	.....	X	.....	X	.....	.....	.....
WW	Storage Vessels (Tanks)—Control Level 2	.....	.....	X	.....	X	.....	.....	.....
YY	Source Categories: Generic MACT	.....	.....	X	.....	X	.....	.....	.....
CCC	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants.	.....	.....	X	.....	X	.....	.....	.....
DDD	Mineral Wood Production	.....	.....	.....	.....	.....	.....	.....	.....
EEE	Hazardous Waste Combustors	.....	.....	X	.....	X	.....	.....	.....
GGG	Pharmaceuticals Production	.....	.....	X	.....	X	.....	.....	.....
HHH	Natural Gas Transmission and Storage Facilities	.....	.....	X	.....	X	.....	.....	.....

§ 63.99

¹ Washington Department of Ecology
² Benton Clean Air Authority
³ Northwest Air Pollution Authority (7/1/99)
⁴ Olympic Air Pollution Control Authority
⁵ Puget Sound Clean Air Agency (7/1/99)
⁶ Spokane County Air Pollution Control Authority
⁷ Southwest Air Pollution Control Authority (8/1/98)
⁸ Yakima Regional Clean Air Authority
⁹ Authorities which may not be delegated include: 63.6(g); 63.6(h)(9); 63.7(e)(2)(ii) and (f) for approval of major alternatives to test methods; 63.8(f) for approval of major alternatives to test methods; 63.10(f); and all authorities identified in the subparts (i.e., under "Delegation of Authority") that cannot be delegated. For definitions of minor, intermediate, and major alternatives to test methods and monitoring, see memorandum from John Setz, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies."
¹⁰ Subpart S is delegated to these agencies as applies to all applicable facilities and processes as defined in 40 CFR 63.440, except kraft and sulfite pulping mills. The Washington Department of Ecology (Ecology) retains the authority to regulate kraft and sulfite pulping mills in the State of Washington, pursuant to Washington Administrative Code (WAC) 173-405-012 and 173-410-012.
¹¹ Subpart LL cannot be delegated to any local agencies in Washington because Ecology retains the authority to regulate primary aluminum plants, pursuant to WAC 173-415-012.

NOTE TO PARAGRAPH (a)(47): Dates in parenthesis indicate the effective date of the federal rules that have been adopted by and delegated to the state or local air pollution control agency. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

[61 FR 25399, May 21, 1996, as amended at 62 FR 65025, Dec. 10, 1997; 63 FR 26466, May 13, 1998; 63 FR 28909, May 27, 1998; 63 FR 63993, Nov. 18, 1998; 63 FR 66061, Dec. 1, 1998; 64 FR 4300, Jan. 28, 1999; 64 FR 12766, Mar. 15, 1999; 64 FR 19721, Apr. 22, 1999; 64 FR 24291, May 6, 1999; 64 FR 34563, June 28, 1999; 65 FR 10395, Feb. 28, 2000; 65 FR 11233, Mar. 2, 2000]

Subpart F—National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

SOURCE: 59 FR 19454, Apr. 22, 1994, unless otherwise noted.

§ 63.100 Applicability and designation of source.

(a) This subpart provides applicability provisions, definitions, and other general provisions that are applicable to subparts G and H of this part.

(b) Except as provided in paragraphs (b)(4) and (c) of this section, the provisions of subparts F, G, and H of this part apply to chemical manufacturing process units that meet all the criteria specified in paragraphs (b)(1), (b)(2), and (b)(3) of this section:

(1) Manufacture as a primary product one or more of the chemicals listed in paragraphs (b)(1)(i) or (b)(1)(ii) of this section.

(i) One or more of the chemicals listed in table 1 of this subpart; or

(ii) One or more of the chemicals listed in paragraphs (b)(1)(ii)(A) or (b)(1)(ii)(B) of this section:

(A) Tetrahydrobenzaldehyde (CAS Number 100-50-5); or

(B) Crotonaldehyde (CAS Number 123-73-9).

(2) Use as a reactant or manufacture as a product, or co-product, one or more of the organic hazardous air pollutants listed in table 2 of this subpart;

(3) Are located at a plant site that is a major source as defined in section 112(a) of the Act.

(4) The owner or operator of a chemical manufacturing processing unit is

exempt from all requirements of subparts F, G, and H of this part until not later than April 22, 1997 if the owner or operator certifies, in a notification to the appropriate EPA Regional Office, not later than May 14, 1996, that the plant site at which the chemical manufacturing processing unit is located emits, and will continue to emit, during any 12-month period, less than 10 tons per year of any individual hazardous air pollutants (HAP), and less than 25 tons per year of any combination of HAP.

(i) If such a determination is based on limitations and conditions that are not federally enforceable (as defined in subpart A of this part), the owner or operator shall document the basis for the determination as specified in paragraphs (b)(4)(i)(A) through (b)(4)(i)(C) and comply with the recordkeeping requirement in 63.103(f).

(A) The owner or operator shall identify all HAP emission points at the plant site, including those emission points subject to and emission points not subject to subparts F, G, and H;

(B) The owner or operator shall calculate the amount of annual HAP emissions released from each emission point at the plant site, using acceptable measurement or estimating techniques for maximum expected operating conditions at the plant site. Examples of estimating procedures that are considered acceptable include the calculation procedures in § 63.150 of subpart G, the early reduction demonstration procedures specified in §§ 63.74 (c)(2), (c)(3), (d)(2), (d)(3), and (g), or accepted engineering practices. If the total annual HAP emissions for the plant site are annually reported under Emergency Planning and Community Right-to-Know Act (EPCRA) section 313, then such reported annual emissions may be used to satisfy the requirements of § 63.100(b)(4)(i)(B).

(C) The owner or operator shall sum the amount of annual HAP emissions from all emission points on the plant site. If the total emissions of any one HAP are less than 10 tons per year and the total emissions of any combination of HAP are less than 25 tons per year, the plant site qualifies for the exemption described in paragraph (b)(4) of